REMARKS

The Official Action mailed September 20, 2006, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to January 22, 2007. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 8, 2003; August 23, 2004; and January 21, 2005.

Claims 6-28 were pending in the present application prior to the above amendment. Claims 6, 12, 17 and 23 have been amended to better recite the features of the present invention. Also, new dependent claims 29 and 30 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 6-30 are now pending in the present application, of which claims 6, 12, 17 and 23 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 6-28 as obvious based on the combination of U.S. Patent No. 4,878,742 to Ohkubo and U.S. Patent No. 5,250,214 to Kanemoto. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended.

Independent claims 6 and 12 have been amended to recite that the liquid crystal layer is in contact with the orientation films having the surface tension of 40 dyne/cm or more. Ohkubo and Kanemoto, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Regarding claims 17 and 23, it is noted that these claims and their dependent claims do not recite a surface tension. Kanemoto is relied upon to allegedly teach features related to a surface tension. As such, it appears the rejection of claims 17 and 23 is based solely on Ohkubo.

In any event, independent claims 17 and 23 have been amended to recite a pair of orientation films between the pair of substrates and that a number of the orientation films is two. Ohkubo and Kanemoto, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

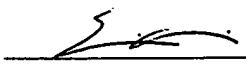
Since Ohkubo and Kanemoto do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 29 and 30 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record,

the Applicant respectfully submits that new claims 29 and 30 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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